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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of the Commission's) CC Docket No. 94-102
Rules to Ensure Compatibility)
with Enhanced 911 Emergency)
Calling Systems)

To: The Commission

**FURTHER COMMENTS OF APCO
IN RESPONSE TO
REQUESTS FOR WAIVER OF PHASE II REQUIREMENTS**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following additional comments regarding waivers of the Phase II Automatic Location Identification ("ALI") requirements. As discussed below, APCO herein proposes specific guidelines for the Commission to utilize in determining whether to grant such waivers.

APCO has previously noted its serious concern with granting waivers that allow wireless carriers to extend the implementation date for the Phase II ALI requirements.¹ Such waivers could delay the ability of Public Safety Answering Points ("PSAPs") to identify the location of 9-1-1 calls, which is essential for the rapid and accurate dispatch of emergency personnel. However, APCO recognizes that some limited, conditional

¹ See Comments of Public Safety Associations in Response to Requests for Waiver of Phase II Requirements.

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extensions may be necessary to permit use of alternative location technologies, particularly those involving handset solutions.

APCO emphasizes that it neither favors nor supports any particular location technology. Both handset and network-based technologies (and the various approaches and vendors within each technology) have distinct advantages and disadvantages. No technology should be excluded from consideration. Rather, the Commission's rules should promote competition among various location technologies, leading to lower costs, improved performance, innovation, and more rapid implementation of wireless 9-1-1 ALI capability throughout the nation. Maximizing the number of alternatives will increase the likelihood that Phase II ALI will be implemented in a timely manner, rather than delaying the availability of this critical element.

While APCO believes that waivers may be appropriate in some circumstances, such waivers must carry very specific conditions. In particular, a waiver to permit a carrier to implement a handset solution must be conditioned on it deploying ALI capable handsets by a specific date, and meeting firm deadlines for achieving specific levels of ALI capable handsets among all of its subscribers. At minimum, such waiver conditions must include the following:

(a) Carriers must begin to offer ALI capable handsets no later than January 1, 2001.² As of December 31, 2001, at least 80% of handsets being deployed on the carrier's system must be ALI capable. The 80% requirement is intended to ensure that ALI capability is not reserved for top-of-the-line units, while also allowing carriers and

²The dates sets forth herein are based on an assumption that the FCC acts expeditiously on this matter.

equipment vendors to dispose of existing inventory of non-ALI capable phones. As of December 31, 2002, 100% of handsets being deployed by the carrier must be ALI capable. APCO would favor acceleration of these dates if supported by the record.

(b) Carriers with waivers must meet specific penetration levels for ALI capable phones. In other words, certain percentages of all phones in use on a carrier's system must be ALI capable by specified dates. Carriers with waivers must take whatever steps necessary to meet those benchmarks, including public education and promotional efforts, and discounted phone prices to encourage more rapid replacement of non-ALI capable phones on their system (which already occur as a result of competition among carriers).

APCO proposes the following benchmarks for consideration:

25% of all phones in use on the carrier's system as of December 31, 2002

50% of all phones in use on the carrier's system as of December 31, 2003

75% of all phones in use on the carrier's system as of December 31, 2004

99% of all phones in use on the carrier's system as of December 31, 2005

A carrier that fails to meet any of the benchmarks must face the possibility of revocation of its waiver, Commission fines, or in extreme cases, license revocation.

(c) The carrier must commit to a specific average accuracy level substantially better than the current Phase II requirement. The Commission should establish that level based on its best estimate of technological capabilities.

(d) Carriers must agree to implement technologies that meet industry standards for interfacing with all carriers and PSAPs.

While APCO believes that implementing Phase II ALI under the above conditions would produce an outcome in the best interest of the public, the granting of a waiver to any carrier should not be considered a substitute for that carrier's Phase II obligation. A carrier's obligation are not eliminated by the application for, and the receipt of, a waiver.

Finally, APCO remains concerned that subscribers of carriers that implement network-based ALI solutions will lose that capability when "roaming" in areas serviced by carriers using handset solutions. It has been suggested that this problem will diminish over time if economies of scale are such that ALI capability becomes a standard feature in all phones, even those sold through carriers using network-based solutions. APCO encourages the Commission to seek comments on this point.

CONCLUSION

The Commission should establish specific waiver conditions for the Phase II wireless 9-1-1 requirements consistent with that set forth above.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By:



Robert M. Gurss
WILKES, ARTIS, HEDRICK & LANE,
Chartered
1666 K Street, N.W. #1100
Washington, D.C. 20006
(202) 457-7329

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